

1 FAISAL M. ZUBAIRI (SBN 244233)
zubairi.faisal@dorsey.com
2 ISAAC M. GABRIEL (SBN 325008)
gabriel.isaac@dorsey.com
3 NAVDEEP K. SINGH (SBN 284486)
singh.navdeep@dorsey.com
4 JESSICA M. LEANO (SBN 323677)
leano.jessica@dorsey.com
5 DORSEY & WHITNEY LLP
600 Anton Boulevard, Suite 2000
6 Costa Mesa, CA 92626-7655
Telephone: (714) 800-1400
7 Facsimile: (714) 800-1499

8 Attorneys for Defendant SPROUTS FARMERS
MARKET, INC.
9
10

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**
13

14 ROBERT COHEN, individually and on
behalf of all others similarly situated,

15 Plaintiff,

16 vs.
17

18 SPROUTS FARMERS MARKET, INC.,
and DOES 1 through 10, inclusive, and
each of them,

19 Defendants.
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Case No.: 8:22-cv-01837 DOC (DFMx)

**PROOF OF SERVICE OF NOTICE OF
ASSIGNMENT TO UNITED STATES
JUDGES; NOTICE TO PARTIES OF
COURT-DIRECTED ADR PROGRAM;
NOTICE TO COUNSEL RE CONSENT
TO PROCEED BEFORE A UNITED
STATES MAGISTRATE JUDGE; AND
INITIAL STANDING ORDER
FOLLOWING ASSIGNMENT OF
CIVIL CASE TO JUDGE CARTER**

Complaint Filed: September 6, 2022
Trial Date: None Set

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**TO THE HONORABLE COURT, AND TO ALL PARTIES HEREIN AND TO
THEIR ATTORNEYS OF RECORD:**

Pursuant to this Court's orders, Defendant Sprouts Farmer's Market, Inc. hereby serves the following documents on Plaintiff Robert Cohen:

1. Notice of Assignment to United States Judges [Dkt.5], a true and correct copy of which is attached hereto as Exhibit A;
2. Notice to Parties of Court-Directed ADR Program [Dkt. 6], a true and correct copy of which is attached hereto as Exhibit B.
3. Notice to Counsel re Consent to Proceed Before a United States Magistrate Judge [Dkt. 7], a true and correct copy of which is attached hereto as Exhibit C; and
4. Initial Standing Order Following Assignment of Civil Case to Judge Carter [Dkt. 8], a true and correct copy of which is attached hereto as Exhibit D.

DATED: October 17, 2022

DORSEY & WHITNEY LLP

By: /s/ Faisal M. Zubairi
FAISAL M. ZUBAIRI
ISAAC M. GABRIEL
NAVDEEP K. SINGH
JESSICA M. LEANO
Attorneys for Defendant SPROUTS
FARMERS MARKET, INC.

EXHIBIT A

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to:

District Judge **David O. Carter**
Magistrate Judge **Douglas F. McCormick**

The case number on all documents filed with the Court should read as follows:

8:22-cv-01837 DOC (DFMx)

District judges in the Central District of California refer all discovery-related motions to the assigned magistrate judge pursuant to General Order No. 05-07. Discovery-related motions should be noticed for hearing before the assigned magistrate judge. Please refer to the assigned judges' [Procedures and Schedules](http://www.cacd.uscourts.gov/judges-requirements), available on the Court's website at www.cacd.uscourts.gov/judges-requirements, for additional information.

Clerk, U.S. District Court

October 12, 2022
Date

By /s/ Shaunte M Hunter
Deputy Clerk

ATTENTION

The party that filed the case-initiating document in this case (for example, the complaint or the notice of removal) must serve a copy of this Notice on all parties served with the case-initiating document. In addition, if the case-initiating document in this case was electronically filed, the party that filed it must, upon receipt of this Notice, promptly deliver mandatory chambers copies of all previously filed documents to the newly assigned-district judge. See L.R. 5-4.5. A copy of this Notice should be attached to the first page of the mandatory chambers copy of the case-initiating document.

EXHIBIT B

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROBERT COHEN

Plaintiff(s)

v.

SPROUTS FARMERS MARKET, INC., et al.

Defendant(s).

CASE NUMBER:

8:22-cv-01837-DOC-DFM

**NOTICE TO PARTIES OF
COURT-DIRECTED ADR PROGRAM**

NOTICE TO PARTIES:

It is the policy of this Court to encourage settlement of civil litigation when such is in the best interest of the parties. The Court favors any reasonable means, including alternative dispute resolution (ADR), to accomplish this goal. *See* L.R. 16-15. Unless exempted by the trial judge, parties in all civil cases must participate in an ADR process before trial. *See* L.R. 16-15.1.

The district judge to whom the above-referenced case has been assigned is participating in an ADR Program that presumptively directs this case to either the Court Mediation Panel or to private mediation. *See* General Order No. 11-10, §5. For more information about the Mediation Panel, visit the Court website, www.cacd.uscourts.gov, under “ADR.”

Pursuant to L.R. 26-1(c), counsel are directed to furnish and discuss with their clients the attached ADR Notice To Parties *before* the conference of the parties mandated by Fed.R.Civ.P. 26(f). Based upon the consultation with their clients and discussion with opposing counsel, counsel must indicate the following in their Joint 26(f) Report: 1) whether the case is best suited for mediation with a neutral from the Court Mediation Panel or private mediation; and 2) when the mediation should occur. *See* L.R. 26-1(c).

At the initial scheduling conference, counsel should be fully prepared to discuss their preference for referral to the Court Mediation Panel or to private mediation and when the mediation should occur. The Court will enter an Order/Referral to ADR at or around the time of the scheduling conference.

Clerk, U.S. District Court

October 12, 2022
Date

By /s/ Shaunte M Hunter
Deputy Clerk

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE TO PARTIES: COURT POLICY ON SETTLEMENT
AND USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)**
Counsel are required to furnish and discuss this Notice with their clients.

Despite the efforts of the courts to achieve a fair, timely and just outcome in all cases, litigation has become an often lengthy and expensive process. For this reason, it is this Court's policy to encourage parties to attempt to settle their disputes, whenever possible, through alternative dispute resolution (ADR).

ADR can reduce both the time it takes to resolve a case and the costs of litigation, which can be substantial. ADR options include mediation, arbitration (binding or non-binding), neutral evaluation (NE), conciliation, mini-trial and fact-finding. ADR can be either Court-directed or privately conducted.

The Court's ADR Program offers mediation through a panel of qualified and impartial attorneys who will encourage the fair, speedy and economic resolution of civil actions. Panel Mediators each have at least ten years of legal experience and are appointed by the Court. They volunteer their preparation time and the first three hours of a mediation session. This is a cost-effective way for parties to explore potential avenues of resolution.

This Court requires that counsel discuss with their clients the ADR options available and instructs them to come to the initial scheduling conference prepared to discuss the parties' choice of ADR option. The ADR options available are: a settlement conference before the magistrate judge assigned to the case or the magistrate judge in Santa Barbara, the Court Mediation Panel, and private mediation. Counsel are also required to indicate the client's choice of ADR option in advance of the initial scheduling conference. *See* L.R. 26-1(c) and Fed.R.Civ.P. 26(f).

Clients and their counsel should carefully consider the anticipated expense of litigation, the uncertainties as to outcome, the time it will take to get to trial, the time an appeal will take if a decision is appealed, the burdens on a client's time, and the costs and expenses of litigation in relation to the amounts or stakes involved.

Each year thousands of civil cases are filed in this district, yet typically no more than one percent go to trial. Most cases are settled between the parties, voluntarily dismissed, resolved through Court-directed or other forms of ADR, or dismissed by the Court as lacking in merit or for other reasons provided by law.

For more information about the Court's ADR Program, the Mediation Panel, and the profiles of mediators, visit the Court website, www.cacd.uscourts.gov, under "ADR."

EXHIBIT C

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROBERT COHEN

PLAINTIFF(S),

v.

SPROUTS FARMERS MARKET, INC., et al.

DEFENDANT(S).

CASE NUMBER:

8:22-cv-01837-DOC-DFM

**Notice to Counsel Re Consent to Proceed
Before a United States Magistrate Judge**

The parties are advised they may consent to proceed before any available magistrate judge participating in the Voluntary Consent to Magistrate Judges Program to conduct all further proceedings in the case pursuant to 28 U.S.C. § 636(c) and Federal Rules of Civil Procedure 73. The consent list and consent form are available on the court's website at <http://www.cacd.uscourts.gov/judges-requirements/court-programs/voluntary-consent-magistrate-judges-program>. To confirm a particular magistrate judge's availability to schedule the trial in the time frame desired by the parties and/or willingness to accommodate any other special requests of the parties, please contact the magistrate judge's courtroom deputy prior to filing the consent.

Since magistrate judges do not handle felony criminal trials, civil trial dates are not at risk of being preempted by a felony criminal trial, which normally has priority. Further, in some cases, the magistrate judge may be able to assign an earlier trial date than a district judge. The parties can select a participating Magistrate Judge from any of the three divisions in the Central District of California. There may be other advantages or disadvantages which you will want to consider.

The plaintiff or removing party must serve this Notice on each named party in the case.

EXHIBIT D

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

ROBERT COHEN

Plaintiff(s),

v.

SPROUTS FARMERS MARKET, INC.,
et al.

Defendant(s).

CASE NO:

8:22-cv-01837-DOC-DFM

**INITIAL STANDING ORDER
FOLLOWING ASSIGNMENT OF
CIVIL CASE TO JUDGE CARTER**

This case has been assigned to the calendar of Judge David O. Carter. Whenever a new civil case is assigned to Judge Carter, the Court issues this Initial Standing Order. It lays out some of the Judge's rules and expectations that litigants should be familiar with from the beginning of their case. In addition to this Initial Standing Order, litigants are required to follow the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.¹

The Court ORDERS as follows:

¹The most recent version of the Local Rules is available on the Central District of California's website (www.cacd.uscourts.gov), under "Court Procedures."

I. Court Appearances

The parties must appear in person for hearings and conferences before the Court. The Court does not permit telephonic appearances.

Unless a party is representing him or herself, parties shall be represented by **lead counsel** at all court appearances, including scheduling conferences.

Under no circumstances should counsel, or a party if the party is appearing *pro se*, fail to appear at a court appearance unless their appearance has been waived by prior order of the Court. Even if a settlement has been reached, counsel for all parties, or the party if appearing *pro se*, must appear at court appearances until a stipulation of dismissal signed by all parties has been lodged with the Court.

II. Scheduling

Pursuant to Rule 16(b), the Court will set a scheduling conference and issue a scheduling order in each case. Litigants should familiarize themselves with the Court's standard Order Setting Scheduling Conference and the Court's standard Scheduling Order & Order re: Pretrial and Trial Procedures, which describe the typical schedule and procedures used in this Court.²

The Court is flexible in setting initial dates. Therefore, Parties should meet and confer to select mutually agreeable dates. The Court strongly encourages Parties to stipulate to the initial schedule, and endeavor to accommodate counsel's previously scheduled dates that produce good faith calendar conflicts. Counsel are encouraged to reference the Central District's Civility and Professionalism Guidelines, which can be found on the Court's website.

III. Continuances and Extensions of Deadlines

This Court has a strong interest in adhering to scheduled dates. Changes in dates are disfavored. Trial dates set by the Court are firm and will rarely be changed, except that the Court may advance the trial date up to two weeks.

²All of Judge Carter's standing orders are available at Judge Carter's home page located under "Judges' Procedures and Schedules."

Therefore, any request, whether by application or stipulation, to continue the date of any matter before this Court must be supported by a detailed explanation of the grounds for the requested continuance or extension of time. Without compelling factual support, requests to continue dates set by this Court will not be approved. Proposed stipulations extending scheduling dates do not become effective unless and until this Court so orders.

IV. Motions

Counsel should note the timing and service requirements of Local Rules 6 and 7 and its subparts including:

- (1) Rule 6–1: Notice of motion and the moving papers must be filed and served twenty–eight (28) days before the noticed hearing date, unless the notice is served by mail, in which case service is required thirty–one (31) days prior to the noticed hearing date;
- (2) Rule 7–9: Opposing papers shall be filed twenty–one (21) calendar days before the hearing date; and
- (3) Rule 7–10: Reply papers, if any, shall be filed fourteen (14) calendar days before the hearing date.
- (4) Rule 7–11: If the hearing date is continued, the deadlines for filing opposing and reply papers are automatically extended unless the Court orders otherwise.

Counsel must comply with the timing requirements of the Local Rules so that chambers can properly prepare for motion matters.

Parties should note, the Court will only entertain one Motion for Summary Judgment from each party, typically after discovery is closed.

V. Ex Parte Applications

Ex parte applications are solely for extraordinary relief and should be used with discretion. *See Mission Power Eng'g Co. v. Continental Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995). In this Court's experience, ex parte applications

1 “are nearly always improper.” *In re Intermagnetics Am., Inc.*, 101 B.R. 191,
2 192–93 (C.D. Cal. 1989). The Federal Rules of Civil Procedure and Local Rules
3 “contemplate that regular noticed motions are most likely to produce a just result.”
4 *Mission Power*, 883 F. Supp. at 491.

5 Ex parte applications that fail to conform to Local Rule 7–19 and 7–19.1,
6 including a statement of opposing counsel’s position, will not be considered except
7 on a specific showing of good cause. Concurrently with service of the ex parte
8 papers by electronic service, facsimile, or personal service, the moving party shall
9 notify the opposition that opposing papers must be filed no later than twenty–four
10 (24) hours following service. If opposing counsel does not intend to oppose the
11 ex parte application, counsel must inform the Courtroom Deputy Clerk by
12 telephone or email as soon as possible.

13 **VI. Jury Demand**

14 Litigants who are entitled to a jury trial and who wish to have a jury trial are
15 reminded to file and serve a jury demand in accordance with Federal Rule of Civil
16 Procedure 38.

17 **VII. Applications to File Documents Under Seal**

18 There is a strong presumption that the public has a right of access to records
19 in civil cases. For non–dispositive motions, the party seeking to maintain the
20 confidentiality of the document(s) or portions thereof must show good cause. For
21 dispositive motions, the party seeking protection must articulate compelling reasons
22 for maintaining the confidentiality of the document(s) and must seek relief that is
23 narrowly tailored to the protected interest. See *Pintos v. Pacific Creditors Ass’n*,
24 605 F.3d 665, 677–79 (9th Cir. 2010). No document will be filed under seal in its
25 entirety unless it is shown in the application that it is not feasible to file a redacted
26 version for public viewing. Any proposed redactions must be highlighted in the
27 under seal version of the document so that the Court may readily determine what
28 information the party or parties seek to maintain as confidential.

1 In accordance with Local Rule 79–5.1, absent authorization by rule or statute,
2 no case or document(s) may be filed under seal without written application to, and
3 prior approval by, the Court. The existence of a Protective Order, a Stipulated
4 Confidentiality Order, or the like, issued by the assigned Magistrate Judge relating
5 to the treatment of documents produced during discovery, does not constitute a
6 court Order permitting an under seal filing. An application to seal that is based
7 solely on the existence of such an Order will be summarily denied. In addition,
8 reliance upon the parties’ designation of documents as “Confidential,” “Highly
9 Confidential,” “Attorneys’ Eyes Only,” etc. is insufficient. Rather, the party must
10 provide competent evidence explaining why the document(s) should be filed under
11 seal.

12 If the party seeking to file documents under seal (the “filing party”) is not
13 the party with an interest in the sealing/confidentiality of the documents, then the
14 filing party shall provide the interested party with its proposed application to seal
15 at least two (2) business days in advance of any filing. If the interested party seeks
16 to have the documents filed under seal, it shall file a Declaration setting forth
17 competent evidence explaining why the document(s) should be filed under seal.
18 If the interested party fails to file a Declaration within this two–day period, the
19 filing party is relieved of any obligation to file an application to seal and may
20 publicly file the documents along with a Declaration of Compliance with this
21 paragraph.

22 **VIII. Settlement**

23 If settlement is reached at any time in this litigation, the parties shall
24 immediately notify the Court by telephone, email, or by filing a notice of
25 settlement. Local Rule 40–2.

26 **IX. Communication with the Court**

27 All appropriate inquiries should be directed to Judge Carter’s Courtroom
28 Deputy Clerk at (714) 338–4543 or DOC_Chambers@cacd.uscourts.gov.

1 Counsel should not attempt to contact chambers directly. Counsel should list
2 their email addresses and phone numbers on their papers in order to facilitate
3 communication by the Courtroom Deputy Clerk.

4 **X. Notice of this Order**

5 Plaintiff's counsel or plaintiff (if appearing on his or her own behalf) shall
6 immediately serve this Order on all parties, including any new parties to the
7 action. If this case came to the Court by a Notice of Removal, the removing
8 defendant(s) shall serve this Order on all other parties.

9 **IT IS SO ORDERED.**

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11 Dated: October 12, 2022



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13 David O. Carter
14 United States District Judge
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Revised: January 20, 2015

PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the City of Costa Mesa, County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 600 Anton Boulevard, Suite 2000, Costa Mesa, California 92626-7655. On October 17, 2022, I served the documents named below on the parties in this action as follows:

DOCUMENT(S)
SERVED:

**PROOF OF SERVICE OF NOTICE OF
ASSIGNMENT TO UNITED STATES JUDGES;
NOTICE TO PARTIES OF COURT-DIRECTED
ADR PROGRAM; NOTICE TO COUNSEL RE
CONSENT TO PROCEED BEFORE A UNITED
STATES MAGISTRATE JUDGE; AND INITIAL
STANDING ORDER FOLLOWING ASSIGNMENT
OF CIVIL CASE TO JUDGE CARTER**

SERVED UPON:

Todd M. Friedman
tfriedman@toddfllaw.com
Adrian R. Bacon
abacon@toddfllaw.com
Meghan E. George
mgeorge@toddfllaw.com
Thomas E. Wheeler
twheeler@toddfllaw.com
LAW OFFICES OF TODD M. FRIEDMAN, P.C.
21031 Ventura Boulevard, Suite 340
Woodland Hills, CA 91364
Telephone: (323) 306-4234 / Facsimile: (866) 633-0228
Attorneys for Plaintiff



(VIA U.S. MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Costa Mesa, California. I am readily familiar with the practice of Dorsey & Whitney LLP for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.



(VIA ELECTRONIC MAILING SERVICE) Complying with CCP Section 1010.6, my electronic business address is santos.maria@dorsey.com and I caused such document(s) to be electronically served to the interested parties at the e-mail addresses indicated below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmissions were unsuccessful.



(FEDERAL) I declare that I am employed in the office of a member of the bar of this Court, at whose direction this service was made.

Executed on October 17, 2022, at Costa Mesa, California.

Maria Santos